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AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Rodney Tow, Trustee

Plaintiff

v.

John Speer, Amegy Bank, NA, et al.

Defendant

Civil Action No. 4:11-cv-3700

(If the action is pending in another district, state where:

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Betty Woodruff, 12714 Hammersmith Drive, Tomball, Texas 77375.

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Cooper & Scully, P.C., 700 Louisiana, Suite 3850,  
Houston, Texas 77002.

Date and Time:

04/16/2013 9:00 am

The deposition will be recorded by this method: stenographically

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 03/12/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Rodney Tow, Trustee,  
, who issues or requests this subpoena, are:

Timothy Micah Dortch, Cooper & Scully, P.C., 900 Jackson Street, Dallas, Texas 75202,  
micah.dortch@cooperscully.com; (214) 712-9500 and Christopher D. Lindstrom, Cooper & Scully, P.C., 700 Louisiana,  
Suite 3850, Houston, Texas 77002; christopher.lindstrom@cooperscully.com; (712) 236-6800.

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Civil Action No. 4:11-cv-3700

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

**AFFIDAVIT  
ATTACHED**

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 73.30

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**CAUSE NO. 4:11-cv-3700**

RODNEY TOW, TRUSTEE,  
**PLAINTIFF**

VS.

JOHN SPEER, AMEGY BANK, NA, ET AL,  
**DEFENDANT**

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IN THE UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT

**AFFIDAVIT OF SERVICE**

**BEFORE ME**, the undersigned authority, on this day appeared, **MICHAEL JOHNSON**, personally before me and stated under oath as follows:

My name is **MICHAEL JOHNSON**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am a private process server authorized by and through the Supreme Court of Texas, am in all ways competent to make this affidavit, and this affidavit is based on personal knowledge. The facts stated herein are true and correct.

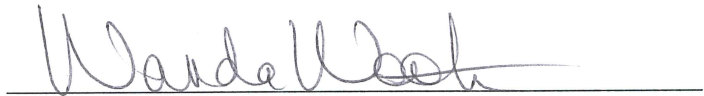
**ON Tuesday, March 12, 2013 AT 03:28 PM** - SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION, PLAINTIFF'S NOTICE OF DEPOSITION, \$73.30 WITNESS FEE **CAME TO HAND**.

**ON Wednesday, March 13, 2013 AT 07:10 AM** - THE ABOVE NAMED DOCUMENTS WERE DELIVERED TO: BETTY WOODRUFF, 12714 HAMMERSMITH DRIVE, TOMBALL, TX, 77375 BY PERSONAL SERVICE.

**FURTHER AFFIANT SAYETH NOT.**

  
**MICHAEL JOHNSON, Affiant**  
**ID: SCH 00700 expires: 07/31/2014**

Before me personally appeared the above-named affiant, who, being first duly sworn, stated upon oath that the above-stated facts are true and correct and within his or her personal knowledge, and subscribed the same on this 13 day of March, 2013.

  
Notary Public In And for the State of Texas

